

**ORDINANCE NO. 22-05**

**AN ORDINANCE TO AMEND THE MILLVILLE TOWN CODE RELATING TO  
ARTICLE V OF CHAPTER 111, ENTITLED “PROPERTY MAINTENANCE.”**

**WHEREAS**, the Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

**WHEREAS**, the Town Council has adopted an Ordinance regulating property maintenance for the municipality, codified as Chapter 111 of the Town of Millville Code;

**BE IT THEREFORE ORDAINED**, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring in Council duly met, that an ordinance codified in Chapter 111, Article V of the Town of Millville Code, entitled “Property Maintenance” is hereby amended, and that the following language hereby be adopted and incorporated into the Town of Millville Code with **additions shown in black bold and underlined** and **deletions in black bold and strikethrough** as follows:

Chapter 111. Property Maintenance

Article V. Other Maintenance

§ 111-32. Adoption of Property Maintenance Code.

A certain document, a copy of which is on file in the Town Hall of the Town of Millville, Delaware, being marked and designated as the International Property Maintenance Code, **2012 2021** Edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the Town of Millville, in the State of Delaware, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Millville are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 111-33 of this chapter.

§ 111-33. Additions, insertions and changes.

The following sections are revised as follows:

A. Section 101.1. Insert: "The Town of Millville."

**B. Section 103.1. Insert: "Code & Building Department."**

**B. C.** Section ~~103.5.~~ **104.1.** Insert: "The Town of Millville Fee Schedule effective at that time."

**C. D.** Section ~~108.3.~~ **111.4.** Add at the end: "If the owner or a holder of a lien of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper of general circulation."

**D. E.** Section ~~111.1 through 111.7.~~ **107.1 through 107.4.** Replace with:

Section ~~111.1.~~ **107.1.** Application for Appeal. Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, may proceed as described in Chapter 155, Article XI of the Code of the Town of Millville.

**E. F.** ~~Section 111.8. Replace with:~~ **Section 107.2. Insert:**

Section ~~111.2.~~ **107.2.** Stays of enforcement. Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustment.

**F. G.** Section ~~112.4.~~ **110.4.** Replace with:

~~112.4~~ **110.4.** Failure to Comply. Any person, persons, partnerships, corporations, or other entity who shall in any way violate a provision of this article of this chapter shall, upon conviction thereof, ~~forfeit and pay to the Town of Millville a fine not less than the sum of \$50 and not exceeding the sum of \$1,000 for each and every offense, together with the costs of prosecution. Each day or part of the separate day a violation continues shall be deemed a separate offense. For repeated offenses within the same calendar year, fines will double for each continued offense (e.g., \$50, \$100, \$200)~~ **be subject to the penalties prescribed in the Millville Town Code Chapter I, Article II: General Penalties.**

**G. H.** Section 302.4. Insert: "eight inches."

**H. I.** Section 304.3. Add at the end: "If the owner of any building fails to post the proper number or numbers within 30 days after the numbers have been duly assigned, the Code Official shall post them and shall charge the cost incurred to the owner of the property."

**I. J.** Section 304.14. Insert: "April 1" to "October 1."

~~J.~~ K. Section 602.3. Insert: "October 1" to "April 30."

~~K.~~ L. Section 602.4. Insert: "October 1" to "April 30."

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect on January 1, 2023.

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### **SYNOPSIS**

This Ordinance amends the Town Code to update the Town's adoption and incorporation by reference of the International Property Maintenance Code from the 2012 edition to the 2021 edition.

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**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, AT AN OPEN MEETING HELD AT TOWN HALL IN THE TOWN OF MILLVILLE.**

**SEAL:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**